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Letter dated 17 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 7 March 2002 (S/2002/265).

The Counter-Terrorism Committee has received the attached supplementary report from Uruguay, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)
concerning counter-terrorism

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Annex

Letter dated 12 June 2002 from the Permanent Representative of Uruguay to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

In response to the request contained in your note dated 7 March 2002, I attach herewith the supplementary replies of the Government of Uruguay to the report which was duly submitted in accordance with the provisions of Security Council resolution 1373 (2001) (see enclosure).

It should be mentioned that the Uruguayan legislation cited in the enclosure can be accessed in the databank of the *Diario Oficial* (*Official Gazette*), at www.impo.com.uy/base.htm.

(*Signed*) Dr. Felipe **Paolillo**
Ambassador
Permanent Representative of Uruguay
to the United Nations

Enclosure

Replies of Uruguay to the additional questions raised by the Counter-Terrorism Committee, June 2002

Subparagraph 1 (a)

Could Uruguay please specify what penalties are imposed on financial intermediaries who fail to respect their obligation of vigilance and do not report to the Financial Information and Analysis Unit transactions that may be linked to criminal activities? Are there any investigations in progress? Have any penalties already been handed down?

The Financial Information and Analysis Unit of the Central Bank of Uruguay has broad powers to monitor and direct the activities of the financial entities which are subject to its control, and oversees the implementation of the laws and decrees governing such activities, as well as the general and specific regulations enacted for that purpose.

Failure to comply with these regulations is subject to a wide range of penalties, including simple notice or warning, fines, and other measures which may even include cancellation of authorization to operate.

As yet, no such penalties have been applied.

The Counter-Terrorism Committee would be grateful to know the results of the analysis currently being prepared by the special commission comprising representatives of public organizations and delegates representing financial institutions. These could be of great assistance to other countries, particularly those of Latin America.

Within the Training Centre in Prevention of Laundering of Assets, under the National Drug Board, a series of training and study programmes are being developed for the financial sector, the judicial system, the law enforcement area and university professionals, with a view to increasing their knowledge of the relevant national and international rules, as well as of the various criminal practices connected to the laundering of money derived from illicit activities and the financing of such activities. In that regard, the development of cooperation programmes with a number of international bodies, such as the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS) and the Inter-American Development Bank (IADB), and with other countries, in particular the United States of America should be noted. Moreover, recently the South American Financial Action Group (GAFISUD) decided to designate the Training Centre as the development and implementation unit for training programmes for the entire region, addressing such questions as the laundering of assets and the funding of terrorist activities, following its adoption of the eight recommendations of the Financial Action Task Force on Money-Laundering (FATF).

Subparagraph 1 (d)

What preventive controls and surveillance measures has Uruguay put in place to ensure that funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organizations?

In order to contribute to the preventive activities being carried out by agents within the Uruguayan financial system, the Financial Information and Analysis Unit has ensured — and will continue to ensure in future — broad dissemination of the names and other available data about the various charitable, religious and cultural organizations that have been linked with activities of a criminal nature, as they come to its attention.

Furthermore, the entities reporting to the Financial Information and Analysis Unit have been asked whether they maintained or still maintain accounts or funds of any kind connected with these organizations, and in all cases negative replies were received. In addition, arrangements have been made for these organizations to be added to the checklists, so that, in future, any transaction that is directly or indirectly linked to any of them could be reported immediately to the Unit.

Although no general rules that specifically cover this subject have been enacted, full compliance with all existing rules related to familiarity with the client necessarily implies that special care must be taken in all transactions conducted with organizations of this kind, in order to rule out any possible link between them and criminal activities.

Moreover, it should be mentioned that the constitution of charitable, religious and cultural institutions as legal persons and their subsequent operations are subject to State control, ensuring their full respect for the Constitution and the laws and regulations of the Republic.

Subparagraph 2 (a)

Is the Counter-Terrorism Committee correct in its understanding that the offence of association with criminal intent provided for by article 150 of the Penal Code extends to activities relating to all of the terrorism-related activities mentioned in the subparagraph? That is, is the offence of criminal association a totally self-contained offence that extends to activities in Uruguay that are related to offences committed, or planned, in other countries or is it an offence that is applicable only in relation to activities in connection with an offence under Uruguayan law?

The offence of "association with criminal intent" (article 150, Penal Code) was amended in the Civil Security Act, which defined it as a "conspiracy crime".

Article 150 actually referred to the criminal *cuadrilla*, meaning, in eighteenth and nineteenth century Spain, a gang of bandits with at least four members, who associated for the purpose of committing multiple crimes.

The Security and Public Order Act No. 14,068 of 1972, reduced the number of active participants by using the words "those who", allowing for the possibility of only two participants in the commission of an offence. But the plural was retained for the offences: an association existed if at least two persons associated for the purpose of committing various offences.

The Security Act No. 16,707 of 1995 uses the wording "those who" (only two needed) associate for the purpose of committing "one or more offences". The objective could now be a single offence. An association exists if two persons associate for the purpose of committing a single offence.

Therefore, associating for the purpose of committing an offence is an offence of association with criminal intent.

This implies a substantial change in the regime of article 7 of the Penal Code, which provides that "a conspiracy exists when two or more persons agree on the commission of an offence", and that a conspiracy is punishable only when the law specifically provides for that possibility.

Since agreement between two persons for the purpose of committing a single offence now constitutes an offence of association with criminal intent, it is always punishable as an offence against public order.

Association for the purpose of committing an offence may refer to any kind of offence, naturally including acts of terrorism.

This is what comparative law calls a "conspiracy crime", and what we call an offence of association with criminal intent.

Terrorism as such is not defined as a separate offence, although there are a number of activities that are considered to be terrorist acts: the taking of hostages, the assassination of foreign ambassadors or heads of State, multiple homicides, the use of destructive force, arson, bombs, attacks on aircraft, ships and public works, etc.

It is therefore clear that this offence covers terrorism.

The procedure for prosecuting offences committed abroad follows the general rules contained in articles 9, 10 and 11 of the Penal Code.

Terrorism is under universal jurisdiction and persons who commit such acts can be prosecuted in Uruguay (article 10, para. 7); since it is not considered a political offence, such persons are subject to extradition, both active and passive.

While the report deals in detail with the controls in place in relation to the trade in firearms and indicates that "unlawful possession of arms is considered an offence against personal safety" under the General Penal Code, it would assist the Counter-Terrorism Committee to know what constitutes unlawful possession of firearms. Can Uruguay describe the main legislative provisions regulating this sector and specify what administrative controls are in place for the purpose of enforcing the law?

The definition of "unlawful possession of firearms" covers anyone who maintains possession of a weapon in violation of the laws in force regulating their ownership.

These are the main laws which regulate and control the import, manufacture and trade in explosives, firearms and component parts:

Uruguay has clear legislation regulating the import, acquisition and bearing of arms, as well as the manufacture, trade, import and export of explosive materials.

Monitoring of the enforcement of these regulations falls under the Ministries of Defence and of the Interior.

The Ministry of Defence has jurisdiction over the registration of weapons present in the country (including those assigned to the armed forces and the police);

the Ministry of the Interior has jurisdiction over authorization for the acquisition of weapons, as well as for the bearing of arms by individuals.

It should be noted that our country has comprehensive legislation in the area of weapons and explosives, on the basis of decree No. 2,605/43 dated 7 October 1943.

In addition to the controls listed below, the Customs Office has established its own controls, upon entry into and departure from national territory, along with those of the Ministry of Economic and Financial Affairs, which govern the import and export of weapons and explosives.

The legal framework is regulated by:

The Ministry of Defence — Through the Materiel and Weapons Service (established by law since 1943)

The Ministry of the Interior — The police (by law since 1970)

Ministry of Defence

Materiel and Weapons Service

Decree-Law No. 10,415 (13 February 1943)

Regulates:

Gases and explosives

Chemical agents or gases used in combat

Explosives in general

Manufacture of explosives

Storage and use of explosives

Permanent weapons depots

Temporary weapons depots

The use of explosives

Cargo handling, customs clearance, transit and import of explosives, firearms, cartridges, ammunition, etc.

Pyrotechnic materials

The State shall have exclusive responsibility for the manufacturing of gases, explosives, detonators, high explosives, progressive explosives and gunpowder.

It may also grant permission to manufacture explosives to those individuals or institutions which it considers appropriate, on a temporary basis.

The manufacture of chemical agents or gases for combat shall be the exclusive responsibility of the Army Materiel and Weapons Service and the Navy Arsenal.

Decree No. 2,605/43 (7 October 1943)

Regulates:

Processing for the import of ammunition, and the transport and control of gunpowder, arms and ammunition for the exclusive use of the armed forces and the police.

It stipulates that the following weapons are the exclusive use of the armed forces and the police:

- **Long-barrelled centerfire weapons with bullets of a calibre greater than 6.5 mm**
- **Automatic and semi-automatic pistols of a calibre greater than 7.65 mm**

It also covers arms and ammunition legally sold by establishments selling arms and ammunition.

Under the regulations established in the aforementioned decree, specific conditions must be met for the entry and transport of ammunition, gunpowder and arms in general.

To that end, controls are implemented by the authority with jurisdiction in the matter, through the presence of a specialist delegated by this authority on every occasion where transport and entry takes place and at all stages that the listed items pass through.

This decree makes reference to the Standing Advisory Committee which is responsible for reporting to the Ministry of Defence on matters referring to the manufacturing of explosives of all categories and chemical agents.

This Committee is composed of the Director of the Institute for Industrial Chemistry, the Director of Industry, Energy and Mines, the Chief of the Technical Division of the Materiel and Weapons Service, the Chief of the Explosives Section of the Navy Construction, Repairs and Weapons Service and a representative of the Military Engineering and Architecture Service.

The conditions for storage of explosives are also regulated, and the following categories are recognized: permanent, temporary, above-ground, buried and underground.

Prior authorization from the Materiel and Weapons Service is required to work with explosives.

Decree No. 6,124/45 (21 December 1945)

Regulates:

The establishment of an arms factory.

It specifies the technical requirements which must be met:

- By the head technician
- By the owner
- By the head of production

The Ministry of Defence will control the type of arms to be manufactured (in accordance with the plans, characteristics and quantity of arms to be manufactured, which must correspond to the production orders).

Time of manufacture.

Control over the request from the buyer and those officials with whom responsibility for the purchase order lies.

Duly validated documentation certifying that the ordering firm has the respective authorizations of the Executive branch, the Ministry of Industry, Energy and Mines and the Ministry of Economic and Financial Affairs. In the event that an export is involved, the authorization of the respective governments must be sought through the Ministries of Foreign Affairs and the customs authorities.

Decree No. 22,905/53 (25 September 1953)

Regulates:

The necessary documentation to be submitted to process the **"Arms Possession Permit"**. The holder of the permit must:

- Be of Uruguayan nationality or a naturalized citizen.
- Have reached the age of majority.
- Submit proof of identity.
- Receive police clearance to bear or purchase arms.

Decree No. 24,229/59 (2 April 1959)

Regulates:

The provisions for trade in disassembled weapons, parts and accessories.

The decree specifies the controls to be implemented for weapons that can be imported in disassembled form and/or their component parts, which will be reassembled at their final destination.

The Ministry of Defence (Army — Materiel and Weapons Service), the Ministry of the Interior, the Customs Office, and the Ministry of Industry, Energy and Mines are involved in those controls.

Decree No. 572/966 (23 November 1966)

Regulates operations with explosives and flammable materials including for overseas vessels calling in the port of Montevideo.

Hazardous materials (flammable explosives susceptible to spontaneous combustion, etc.) shall be divided into categories, in accordance with the zones where loading and unloading take place, which shall be under the supervision of the maritime authorities.

It also regulates the zones of operation, the obligations of vessels, responsibilities, rules for loading, unloading and transport of explosives and flammable materials in vessels for coastal and overseas traffic, and provides

common rules for all vessels in overseas and coastal traffic for loading and unloading of explosives on board.

Decree No. 252/68 (16 April 1968)

Regulates:

The sale of arms, possession and issuance of permits.

It details the information that must be specified in the documentation:

- Information on the owner (documents, domicile, authorization to bear arms).
- Information on the weapon (type, system, calibre, make, serial number).
- Information on the seller.

Decree No. 548/68 (10 September 1968)

Regulates:

The sale of arms by court order (auction).

The same requirements are established and must be complied with as for the sale and/or purchase of weapons.

Decree No. 365/69 (31 July 1969)

Regulates:

Official supervision of arms possession by individuals. It establishes that the sale, loan, transfer or conveyance for any reason of firearms legally sold shall be subject to the issuance of an **Arms Possession Permit**.

It also establishes rules for dealers in arms or ammunition, collectors, shooting clubs, etc., who must register with the Materiel and Weapons Service, and implement security systems in the physical locations where the arms and ammunition are stored, which must be approved by the Materiel and Weapons Service and the police.

It also establishes the requirement that collectors must remove the essential parts of the weapons that would make normal use possible.

Decree No. 505/69 (31 July 1969)

Regulates the possession, sale, loan or transfer for any reason of unrestricted firearms, which shall be subject to the issuance of an Arms Possession Permit by the Materiel and Weapons Service.

The Service shall also be involved in any sale, transfer, etc. between individuals and commercial firms.

Law No. 14,157 (21 November 1974)

The Executive branch shall declare as war materiel anything in current use in an armed conflict or whose technical characteristics determine that its ownership by individuals would affect national security.

Decree No. 353/75 (29 April 1975)

Confers on the State the exclusive right to manufacture explosive detonators, high explosives, progressive explosives and gunpowder.

Decree No. 311/78 (6 June 1978)

Regulates the auctioning of weapons seized by the competent authorities and the requirements to be met by their buyers.

Decree No. 550/69 (4 November 1979)

Establishes rules for the import of arms and explosives that must be complied with by all agencies involved in the import process.

No formalities for import may begin without the corresponding authorization issued by the Materiel and Weapons Service.

The Materiel and Weapons Service is established as the legal depositary and the location where imported merchandise will be deposited prior to dispatch and the inspection that will be conducted by technical personnel.

Decree No. 629/81 (15 December 1981)

Establishes administrative fines for violations of the regulations on explosives and weapons.

Law No. 15,430 (12 July 1983)

Regulates the disposition of arms which have been held for over five years, authorizing the Materiel and Weapons Service to dispose of them, depending on their usefulness.

Decree No. 340/84 (21 August 1984)

Explosive devices:

Establishes that anyone who becomes aware of such devices must inform the corresponding agencies.

Circular No. 08/84 (1 August 1984)

Establishes the time limit for effecting the delivery of a weapon after a sale has taken place.

Establishes the information which must be provided in the monthly reports by sales establishments on the sale of arms and ammunition.

Sets standards for the loading of cartridges for commercial purposes.

Decree No. 17/87 (20 January 1987)

Regulates the classification of "arms collector", as well as the legal requirements for obtaining it.

Also establishes the elements which can comprise a collection as well as the physical location where the arms will be stored.

Circular No. 002/04-87 (7 April 1987)

Regulates the loading and reloading of cartridges and bullets, which must meet certain safety conditions.

Establishes the forms giving details of sales and consumption of reloading and stock.

Circular No. 004/08-987 (1 August 1987)

Establishes the physical requirements for firms working in the area of arms and ammunition.

Law No. 16,145 (9 October 1990)

Weapons remanded to the Army Materiel and Weapons Service by court order:

Establishes the final disposition of those weapons.

Circular No. 001/06-91 (3 August 1991)

Instructions for the withdrawal of weapons under the control of the Judiciary in the Materiel and Weapons Service.

Law No. 16,320 (1 November 1992)

Sets the amount of administrative fines for violations of the regulations on arms and explosives.

Circular No. 287/E/93 (1 August 1993)

Regulates the procedures to be followed for issuing arms permits to non-resident individuals who enter the country temporarily with firearms.

Decree No. 91/93 (24 February 1993)

Regulates the processing of certificates for the import of arms and explosives.

Circular No. 014/R/94 (1 July 1994)

Establishes guidelines to be followed by those individuals, institutions, clubs, federations or companies authorized by the Materiel and Weapons Service to reload ammunition with metal casings.

Decree No. 195/95 (30 May 1995)

Regulates the manufacture and assembly of firearms. Requirements, inspection, violations.

Circular No. 13/E/96 (10 January 1996)

Establishes safety standards which must be met by collectors of weapons and/or ammunition.

Circular No. 196/E/96 (28 August 1996)

Refers to the information that must be supplied by dealers in firearms and ammunition on the movements of their stock of weapons, ammunition and component parts of weapons.

Decree No. 477/96 (10 December 1996)

Concerning the rules for action to be taken when a suspected terrorist device has been located.

General procedural guidelines.

Unconfirmed threats of explosive devices.

An act carried out with an explosive device.

Special provisions.

Circular No. 102/E/97 (2 April 1997)

Authorized calibres for individuals:

Revolvers:	.22 short, .22 long, .22 magnum, .32, .38 short, .38 special, .357, .44 magnum
Pistols:	.22 long, 6.35, 7.65, 7.65 Luger (greater for collectors or officers)
Shotguns:	All calibres and systems
Rifles:	All types of .22 calibre up to 6.5

Decree No. 406/97 (30 October 1997)

Regulates the period of validity of Arms permits, setting it at 10 years.

Ministry of the Interior

Decree No. 238/99

Regulates:

1) The acquisition and possession of firearms.

Establishes that only persons **over 18 years of age** may acquire, own and bear firearms, and they must apply for the Certificate of Authorization to Acquire and Bear Arms (**THATA**).

This document authorizes a natural or legal person to acquire, own and use firearms within the limits prescribed by law; this document can be revoked; it is valid throughout the national territory, for a period of three years.

It sets out rules for the transfer of arms and time limits for procuring the relevant documentation.

The following are required to obtain the THATA:

- Identity document, proof of residence, certification of criminal background check, proof of employment.

Grounds on which the THATA shall be denied:

- Prior criminal record.
- Police record for violent conduct.
- Outstanding summons or arrest warrant.
- Addiction to alcohol, narcotics or any other type of hallucinogenic substance.
- Psychiatric, mental or other disorder or having been declared incompetent.
- Foreign national or not a legal resident in the country.
- Involvement in situations of domestic violence in respect of which a judicial restraining order is in place.
- Having been prosecuted for a juvenile offence and not being considered rehabilitated.

2) Issuance of the Arms Possession Permit

Establishes the information contained in the Arms Possession Permit, the persons entitled to hold such permits, and the rules to be followed in disposing of firearms.

In order to repair or sell a weapon, it is required that the THATA and the corresponding permit be produced.

Any weapon which is lacking the documentation referred to, following intervention by the police and courts, shall be seized and deposited with the Army Materiel and Weapons Service; the interested party may regularize the situation within a limited time without prejudice to the corresponding penalties.

3) The bearing of arms

The bearing of arms shall be subject to strict administrative authorization issued by the Office of the Chief of Police with validity throughout the national territory and is not permanent; it can be revoked if there is a change in the conditions under which it was granted; it is valid for a period of two years.

The following requirements must be met to obtain such authorization:

A written request which must contain:

- Personal information; characteristics of the weapon; purpose of the request; length of the authorization required and attestation of qualification to use a firearm, by passing a course in marksmanship.

The following must be attached:

- A medical certificate of psychological and physical fitness to use and carry firearms.
- Photocopies of the identity card, the THATA, the Arms Possession Permit and a certificate issued by the police department with jurisdiction over the applicant's place of residence attesting that the applicant is an honest and stable individual.

Authorization to bear arms will be granted only to those who justify the need to bear arms for security reasons and will be revoked in the event a criminal offence is committed.

4) Unrestricted weapons

Unrestricted weapons are divided into two categories:

A) Unrestricted ownership:

Long-barrelled rimfire weapons which discharge projectiles with an initial velocity below 700 metres/second.

Shotguns of a calibre lower than 12-weight inclusive.

Handguns with a smooth barrel designed to discharge cartridges up to .32 calibre inclusive.

Ownership of the following weapons is restricted; the THATA must be obtained for their purchase and ownership:

- Rimfire handguns designed to discharge projectiles with an initial velocity below 700m/second.
- Revolvers up to 38 calibre SPL, designed to discharge projectiles with an initial velocity below 330 m/second.
- Semiautomatic pistols up to .380 calibre ACP inclusive, designed to discharge projectiles with an initial velocity of 330m/second inclusive.
- Shotguns of 12-weight calibre inclusive and above.

B) Restricted ownership

For the purchase and ownership of the weapons listed below, the special THATA must be obtained:

- Revolvers designed to discharge projectiles with an initial velocity over 330m/second.
- Semiautomatic pistols designed to discharge projectiles with a velocity over 330 m/second.
- Long-barrelled centerfire weapons designed and manufactured for sporting use with a capacity not exceeding five cartridges in separate magazines.

5) Prohibited arms, ammunition and materiel

Ownership of the weapons, ammunition and materiel listed below is prohibited; they shall be restricted for use solely and exclusively by the armed forces and the police:

- All weapons and ammunition manufactured for military use.
- All weapons and ammunition not designed and manufactured for sporting purposes or civilian use.
- Automatic weapons.
- Long-barrelled centerfire semiautomatic weapons and parts or sets of parts designed to convert semiautomatic weapons into automatic weapons.

- Long-barrelled weapons with a barrel length of under 46 cm or a total length of under 90 cm.
- Long-barrelled weapons with retractile, foldable or removable stocks.
- Weapons and devices capable of firing ammunition or devices containing chemical, biological, incendiary or explosive agents.
- Engines of destruction, whatever their system, to be interpreted as devices which do not fully correspond to the definition of firearms or launchable weapons but are designed to be used as weapons or explosives.
- Silencers, sound suppressors and noise abaters, whatever their system.
- Aiming and night vision mechanisms, whatever their system (passive or infrared).

6) Conditions for the transport of weapons

Anyone transporting weapons or ammunition shall carry the THATA and arms possession permits for the weapons being transported. The following security requirements must be met:

- The weapons shall not be visible during transport;
- They shall be unloaded and with no rounds in the chamber;
- Their magazines shall be empty; and
- Ammunition shall be transported separately from weapons and shall correspond to the calibre of the weapon or weapons being transported.

Subparagraph 2 (b)

Does Uruguay have a body that specializes in counter-terrorism, or is this the responsibility of a number of services or agencies? In the latter case, how is coordination between these different entities effected?

As stated in Uruguay's previous report, the country does not have any body dedicated exclusively to combating terrorism. Since 1999, there has been a State Intelligence Office department responsible for gathering intelligence on terrorism, as well as the Information and Intelligence Office of the Ministry of the Interior which works to prevent and combat terrorism.

As mentioned in the previous report, on 21 September 2001 the President of the Republic recommended that the Ministry of Defence and the State Intelligence Office should gather intelligence on terrorism at the national and international levels with the support of, and contributions from, other State bodies.

All these activities relate to the gathering of intelligence — in other words, of knowledge derived from the accumulation and processing of information received from various internal and external sources. Naturally, this activity is ranked as the first level of defence against and prevention of terrorist acts and attacks. With regard to the use of force to resolve crisis situations or incidents involving terrorists, for the past 20 years the Uruguayan army has had a highly-trained, experienced, disciplined and well-equipped force to carry out such operations; it is employed in extreme situations on orders from the Executive branch.

Does each agency define its strategy independently, or does it carry out activities that have been decided at a higher level? Who determines this policy and, if applicable, the distribution of tasks among the agencies?

The gathering of information and intelligence naturally involves constantly changing situations and an enemy which is not established in one place but operates throughout the world. A certain degree of independence in information-gathering and centralized coordination at a higher level are therefore required and the political leadership is kept abreast of the current situation with regard to terrorism. Orders from the Executive branch are issued when the situation so warrants, particularly when terrorist elements are present in the country and must be detained and brought to trial; the Ministry of the Interior has the exclusive responsibility for their arrest and subsequent prosecution by an independent Judiciary.

Subparagraph 2 (d)

What is the extent of the competence of your courts to deal with terrorist acts, or preparations for terrorist acts, that occur outside your territory?

Without prejudice to the statements made under subparagraph 2 (a), Uruguay tends to apply the principle of territoriality. However, act No. 17,343 of June 2001 covers the following activities: terrorism; contraband in excess of US$ 20,000; illegal trafficking in weapons, explosives, ammunition or material relating to their production; illegal trafficking in men, women or children; illegal trafficking in nuclear substances, works of art, animals or explosives; extortion; procurement; and kidnapping and is **applicable even if the act giving rise to the said goods, products or instruments was committed outside the country, provided that the offence in question is punishable both in the place in which it was committed and in Uruguay**.

Subparagraph 2 (e)

Please provide a report on progress with the passage into law and practical implementation of the draft law defining terrorism and its financing, as referred to in the report.

A draft law defining terrorism and its financing as offences in their own right has been prepared by noted jurists specializing in criminal law. The Executive branch is currently holding consultations at the parliamentary level in order to achieve broad consensus leading to its rapid adoption into law.

Subparagraph 2 (g)

Please inform the Committee of the progress made and the new measures taken in respect of the enhancement of the security of identity papers, as mentioned in the report.

The security of identity papers and travel documents is ensured by a set of measures and actions which were already being planned, were being carried out and are continuing to be implemented. These include:

- **Legal framework**. Recently adopted legislation currently in force requires every citizen to obtain an identity card, which must be issued within 45 days of birth. It must be renewed every five years until age 20 and every 10 years

between ages 20 and 60; thereafter, it is issued without an expiration date. The applicant's personal information and fingerprints are updated at every renewal following the initial issuance of the document.

- **Specific security features**. Approximately 10 such features are contained in these documents, including characters readable under ultraviolet light and microtext. In addition, all information is being computerized to ensure more rapid processing and more effective inspection. Passports have contained optically readable features since 1998 and other, more complex security features such as biometric strips are being considered; for the moment, however, they cannot be definitively incorporated owing to economic limitations.

- **Functioning of the system**. The legal framework and security features are of little use unless the system as a whole functions smoothly and adequately. This includes appropriate selection of staff; ongoing training in the best inspection implementation procedures and the methods used by various types of criminals to breach document security; and constant supervision of the implementation of internal monitoring mechanisms. These mechanisms also include the old and thus-far-irreplaceable method which involves, in each case, comparison of fingerprints with existing records, photographs and personal information questionnaires and secure storage of blank documents both within Uruguay and in its consular offices abroad.

Another major element in the system's functioning is determination and efficiency in implementing the law when threats arise to document security involving the forgery of identity cards and passports. In just over a year, the Civil Identification Office, the only body responsible for, and the highest authority regarding, the issuance of those documents, successfully prevented about 17 attempts by foreign nationals to obtain identity cards and passports illegally. Small but important Uruguayan and foreign rings seeking to sell such forged documents for between US$ 300 and US$ 10,000 were broken up. The foreign nationals prosecuted by the Judiciary included Brazilians, Dominicans, Ecuadorians and Bolivians; three Uruguayans involved in the operations were also prosecuted. **In every case, it was established that these were not terrorist-inspired acts or groups**, but rather individuals seeking job opportunities in Uruguay, no-cost health care or the only South American passport whose holders may enter the United States of America without a visa. The last of these factors increases the value of forged Uruguayan documents to organized crime, but controls have been greatly strengthened in all offices which issue such documents, particularly since the attacks of 11 September 2001.

However, it must be borne in mind that no system of documentation and identification is infallible; there is always a risk that documents will be forged or obtained by fraudulent means. Nevertheless, Uruguay has achieved acceptable security levels for identity and travel documents, as was demonstrated during a November 2001 visit by a delegation of experts from the State Department of the United States of America in order to inspect the entire national identification system, determine the level of security and decide whether Uruguayans should remain exempt from the visa requirement, which was approved.

Subparagraph 3 (c)

Please provide a list of those countries with which Uruguay has concluded relevant bilateral agreements.

Uruguay is a party to international treaties on reciprocal assistance in the area of international terrorism, including the following:

(a) Multilateral treaties at the regional level

1. Southern Common Market (MERCOSUR) Protocol on Mutual Legal Assistance in Criminal Matters, signed at San Luis, Argentina, on 25 May 1996, in force between the four States members of MERCOSUR (Argentina, Brazil, Paraguay and Uruguay). Adopted by Uruguay by means of act No. 17,145 of 9 August 1999. Ratified on 7 July 2000.

2. Agreement on Mutual Legal Assistance in Criminal Matters between MERCOSUR, the Republic of Bolivia and the Republic of Chile, signed at Montevideo on 20 December 2001. Approved by decision 12/2002 of the Council of the Common Market. Not yet in force.

(b) Bilateral agreements signed or adopted by the Eastern Republic of Uruguay

1. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and the Federative Republic of Brazil. Signed at Montevideo on 28 December 1992. Not yet in force.

2. Treaty between the Eastern Republic of Uruguay and Canada on mutual legal assistance in criminal matters, signed at Ottawa on 10 July 1996, adopted by Uruguay by means of act No. 17,336 of 17 May 2001. Entered into force on 1 March 2002.

3. Convention on judicial cooperation in criminal matters between the Eastern Republic of Uruguay and the Republic of Colombia, signed at Bogotá on 12 February 1998. Not yet in force.

4. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and the Kingdom of Spain, adopted by Uruguay by means of act No. 17,020 of 20 November 1998. In force since 7 February 2000.

5. Extradition Treaty between Uruguay and the Kingdom of Spain, signed at Madrid on 28 February 1996, adopted by Uruguay by means of act No. 16,799 of 20 November 1996. Entered into force on 16 April 1997.

6. Treaty on mutual legal assistance in criminal matters between the Government of the Eastern Republic of Uruguay and the Government of the United States of America, signed at Montevideo on 19 November 1991. Adopted by Uruguay by means of act No. 16,431 of 30 November 1993, in force since 15 April 1994.

7. Treaty of cooperation between the Government of the Eastern Republic of Uruguay and the Government of the United Mexican States concerning mutual legal assistance in criminal matters, signed at Montevideo on 30 June 1999. Not yet in force.

8. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and the Republic of Venezuela, signed at Caracas on 20 May 1997 and adopted on 22 June 2002 by means of act No. 17,356. Not yet in force.

9. Treaty on mutual legal assistance in criminal matters between the Eastern Republic of Uruguay and Cuba, signed at Havana on 16 February 1995, adopted in Uruguay by means of act No. 17,034 of 20 November 1998. Has not yet entered into force.

10. Extradition Treaty between Uruguay and the Argentine Republic, signed at Montevideo on 20 November 1996, adopted by means of act No. 17,255 of 3 January 2000. Entered into force on 10 June 2001.

Subparagraph 3 (d)

Could Uruguay please describe the measures taken, or proposed, to give effect within Uruguay to the various conventions to which it is already a party and to the International Convention for the Suppression of the Financing of Terrorism, mentioned in the report as being in the course of being ratified. Please indicate its intention with regard to the other conventions and international protocols concerning terrorism to which it is not yet a party, namely, the International Convention against the Taking of Hostages, 1979, and the Convention on the Physical Protection of Nuclear Material, 1979. While it is the understanding of the Counter-Terrorism Committee that Uruguay has no nuclear industry and no nuclear weapons, it respectfully draws to Uruguay's attention the importance, in the international effort to curb terrorism, of the obligations of States under the last-mentioned convention in relation to criminal acts involving nuclear material performed by individuals.

The International Convention for the Suppression of the Financing of Terrorism, is before the Legislature with a view to ratification by Parliament. It is expected that the Convention will be ratified shortly.

The Convention on the Physical Protection of Nuclear Material (Vienna, 26 October 1979) is under parliamentary review in the international affairs committee of the House of Representatives. The Executive branch sent out a message in 1997, and reiterated it in October 2000.

The International Convention against the Taking of Hostages (New York, 18 December 1979) has been under review by the international affairs committee of the House of Representatives since May 2001.

The Executive branch is making political contacts with the Legislature with a view to the early adoption of all these instruments.

Subparagraph 3 (e)

Please indicate whether the crimes mentioned in the relevant international conventions have been included as extraditable offences in the bilateral treaties which Uruguay has concluded with other countries.

Uruguay endorses, and promotes in its international relations, the view that no terrorist offence may be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives; the perpetrators of such offences are therefore subject to extradition.

This position is based on the European Convention on the Suppression of Terrorism (Strasbourg, 1997), the preamble of which expresses the conviction that extradition is a particularly effective measure for ensuring that the perpetrators of such acts do not escape prosecution and punishment.

Most recently, Uruguay shares the view set forth in article 5 of the European Union Convention on Extradition of 27 September 1996, which was the basis for our position on article 12 of the draft inter-American convention against terrorism which is under review by the Organization of American States, which provides:

Article 12

Inapplicability of exceptions for political offences

For the purposes of extradition or mutual legal assistance, none of the offences set forth in the international instruments listed in article 2 shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Paragraph 4

The Counter-Terrorism Committee would be grateful to know whether Uruguay has addressed any of the concerns expressed in paragraph 4 of the resolution.

Uruguay has participated actively in regional and international forums concerned with transnational organized crime, illicit drug trafficking, money laundering, illicit arms trafficking, and the illicit circulation of nuclear, chemical and biological materials, since it regards them as a grave threat to international security.

Other matters

Could Uruguay please provide an organizational chart of your Government's administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen by your Government as contributing to compliance with the resolution.

The various aspects related to terrorism and the implementation of Security Council resolution 1373 (2001) are taken up by various State bodies attached to the Ministry of Defence, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Economic and Financial Affairs.

An organizational chart of the supervisory authority of the financial intermediary institutions of the Central Bank of Uruguay is attached for information.

Organizational chart of the supervisory authority of financial intermediary institutions